

Serial No: 10/720,422
Filed: November 24, 2003
Docket: 2154 US

Amendments to the Drawings

The attached sheets of drawings include Figs. 1-8. All the informal Figs. are replaced by corresponding formal Figs. These sheets replace the original sheets including Figs. 1-8.

Attachment: Replacement Sheets

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REMARKS

Claims 1-29 are pending in the present application. By the Office Action dated January 25, 2006, the Examiner has rejected claims 1-29. The foregoing amendments and the following remarks are responsive to the rejections and objection presented in the Examiner's Office Action.

New Claims

Applicant has added new claims 31-48 in order to more clearly and fully claim what Applicant considers to be his invention. Support for these claims is found throughout the specification.

Objections to the Drawings

The Examiner objected to the drawings "because the 'drawing lines' are so blur and the 'numbers' are in handwriting." Applicant has formalized all the Figures to improve their quality in order to comply with the requirements of 37 CFR 1.121(d). Applicant has included in this response Replacements Sheets including Figures 1-8. Applicant respectfully requests the Examiner remove this objection.

Rejections under 35 U.S.C. § 102

The Examiner rejected claims 1, 7-8, 11-14, 17, 20 and 22 under 35 U.S.C. 102 (b) as being anticipated by U.S. Patent No. 6,637,884 to Martino (Martino). With regard to independent claims 1, 12, and 20, the examiner states that "Martino discloses an aberrometer calibration comprises an optical element (32) insertable into an optical path (40) of a wavefront analyzer (10), the optical element (32) adapted to induce a predetermined aberration in a wavefront for presentation to the wavefront analyzer (figure 2, column 3, line 63 through column 4, line 25)." While expressing neither agreement nor disagreement with the Examiner's rejection (which rejection, Applicant in no way concedes), Applicant has cancelled independent claims 1, 12,

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and 20 and added new independent claims 30, 37, and 43. Because new independent claims 30, 37, and 43 specify the use of a hologram, which is not taught or suggested by Martino, Applicant respectfully submits that new independent claims 30, 37 and 43 are patentably distinct and allowable and requests that the Examiner allow new claims 30, 37, and 43.

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The Examiner rejected claims 1, 11-14, 17, 20 and 22 under 35 U.S.C. 102 (b) as being anticipated by U.S. Patent No. 6,637,884 to Williams et al. (Williams). With regard to independent claims 1, 12, and 20, the examiner states that “Williams et al discloses a method and apparatus for improving vision and the resolution of retinal images comprises an optical element (118) insertable into an optical path of a wavefront analyzer (column 4, lines 22-23), the optical element (118) adapted to induce a predetermined aberration in a wavefront for presentation to the wavefront analyzer (figure 1, column 4, line 26 through column 8, line 11).” While expressing neither agreement nor disagreement with the Examiner’s rejection (which rejection, Applicant in no way concedes), Applicant has cancelled independent claims 1, 12, and 20 and added new independent claims 30, 37. Because new independent claims 30, 37, and 43 specify the use of a hologram, which is not taught or suggested by Williams, Applicant respectfully submits that new independent claims 30, 37 and 43 are patentably distinct and allowable and requests that the Examiner allow new claims 30, 37, and 43.

New Claims 31-36 depend from new independent claim 30 and as such each is patentably distinct and allowable as a further limitation upon new Claim 30. New Claims 38-42 depend from new independent claim 37 and as such it is patentably distinct and allowable as a further limitation upon new Claim 37. New Claims 44-48 depend from new independent claim 43 and as such each is patentably distinct and allowable as a further limitation upon new Claim 43. Therefore, Applicant also respectfully requests that the Examiner allow new claims 31-36, 38-42, and 44-48.

Rejections under 35 U.S.C. § 103

The Examiner rejected claims 2-6, 9, 10, 15-16, 18-19, 21, and 23-29 under 35 U.S.C. 103 as being unpatentable over Martino. While expressing neither agreement nor disagreement with the Examiner’s rejection (which rejection, Applicant in no way concedes), Applicant has cancelled claims 2-6, 9, 10, 15-16, 18-19, 21, and 23-29 to place this application in condition for allowance. Applicant retains the right to present cancelled claims 1-29 in a continuation application.

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CONCLUSION

Applicants have now made an earnest attempt to place this case in condition for allowance. For all of the foregoing reasons, Applicant respectfully submits that new claims 31-48 are in condition for allowance, and respectfully requests allowance of new Claims 30-48.

An extension of three (3) months is requested and a Notification of Extension of Time Under 37 C.F.R. § 1.136 with the appropriate fee is attached hereto.

The Examiner is invited to contact the undersigned by telephone or facsimile if the Examiner believes that such a communication would advance the prosecution of the present invention.

Respectfully submitted,

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